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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 DANIEL NORCIA, on his own behalf and on  
behalf of all others similarly situated,  
15 Plaintiff,

16 vs.  
17 SAMSUNG TELECOMMUNICATIONS  
AMERICA, LLC, and SAMSUNG  
ELECTRONICS AMERICA, INC.,  
18 Defendants.

CASE NO. 3:14-CV-00582-JD

**DEFENDANTS' NOTICE OF NON  
OPPOSITION AND REPLY IN SUPPORT  
OF MOTION TO STAY PROCEEDINGS  
PENDING APPEAL**

Hearing Date: December 10, 2014  
Time: 9:30 a.m.  
Judge: Hon. James Donato  
Courtroom: 11

Complaint Filed: February 7, 2014

Defendants Samsung Telecommunications America, LLC, and Samsung Electronics America, Inc. filed their Notice of Motion and Motion to Stay Proceedings Pending Appeal on October 17, 2014 (“Motion”), *see* Dkt. 44, and now offer this brief reply.

Under Civil Local Rule 7-3, Plaintiff Daniel Norcia’s opposition “*must*” have been “filed and served not more than 14 days after the motion was filed.” His deadline to file an opposition was October 31, 2014. N.D. Cal. Civ. Loc. Rule 7-3(a) (emphasis added); *see also J & J Sports Prods., Inc. v. Garcia*, No. 5:12-CV-05771 EJD, 2013 WL 1809147, at \*2 (N.D. Cal. Apr. 29, 2013) (“The Court’s Civil Local Rules require that an opposition to a motion, or statement of nonopposition, be filed no more than fourteen days after the motion was filed. Civil L.R. 7-3(a), (b).”).

11 Plaintiff filed no opposition.

Courts in this District hold that “[n]onopposition alone is sufficient to grant [a party’s] motion[.]” *Nomura v. Amazon.com, Inc.*, No. C-11-01210 HRL, 2013 WL 4928229, at \*3 (N.D. Cal. Sept. 12, 2013). ““The failure to file an opposition to a motion[,]”” in other words, ““is grounds for granting the motion.”” *Sisters of Notre Dame De Namur, California Province v. Garnett-Murray*, No. C10-01807 HRL, 2011 WL 1936110, at \*2 (N.D. Cal. May 20, 2011) (quoting *Wiley v. Macy's*, No. C10-1188 SBA, 2010 WL 2636029, at \*1 n. 1 (N.D. Cal. June 30, 2010) (citing *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995))).

19 Defendants therefore ask that the Court either dismiss this case or grant Defendants'  
20 Motion to Stay based on Plaintiff's failure to oppose and for the reasons stated in Defendants'  
21 moving papers.

23 || DATED: November 6, 2014 PAUL HASTINGS LLP

By: \_\_\_\_\_ /s/ John P. Phillips  
John P. Phillips

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Samsung Telecommunications America, LLC and  
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